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4		LINITED STATES DISTRICT COLUMN
5		UNITED STATES DISTRICT COURT
6		DISTRICT OF NEVADA
7		2.00 CD 421 ICM (VCF)
8		UNITED STATES OF AMERICA, 2:09-CR-421 JCM (VCF)
9		Plaintiff,
10		v.
11		CARLOS ALBERTO CEDANO-
12		PEREZ,
13		Defendant.
14	•	<u> </u>
15		ORDER
16		Presently before the court is the report and recommendation of Magistrate Judge Cam
17	F	Ferenbach (doc. #82) regarding the defendant's motion to suppress (doc. #79). Defendant has not
18	f	iled an objection to the report and recommendation.
19		Magistrate Judge Ferenbach recommends that the court deny the motion to suppress because
20	"	a motion to suppress is not the appropriate vehicle to obtain the relief defendant seeks." Doc. 82
21	(citing Fed. R. Crim. P. 12(b)(3)(C). Rather, if defendant wishes to challenge the validity of his prior
22	c	onviction, he must due so "during his federal sentencing proceedings." <i>Id.</i> (quoting <i>Daniels v.</i>
23	U	Inited States, 532 U.S. 374, 382 (2001)).
24		Upon review of the magistrate judge's recommendation and good cause appearing,
25		IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the report and
26	r	ecommendation of Magistrate Judge Cam Ferenbach (doc. #82) regarding the defendant's motion
27	to	o suppress (doc. #79) be, and the same hereby is, AFFIRMED in its entirety.
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James C. Mahan U.S. District Judge

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1	IT IS THEREFORE ORDERED that defendant's motion to suppress (doc. #79) be, and the
2	same hereby is, DENIED.
3	DATED November 28, 2011.
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5	UNITED STATES DISTRICT JUDGE
6	UNITED SYATES DISTRICT JUDGE
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James C. Mahan U.S. District Judge